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December 23, 2003

TO: Examiner (TC1600)

GROUP: 1632

FAX NUMBER: 703-872-9307

ATTORNEY DOCKET NO.: DEX-0054

SERIAL NO.: 09/426,548

FILED: October 22, 1999

NUMBER OF PAGES: 19

MESSAGE: Attached please find Combined Amendment & Petition for Extension of Time Transmittal Letter (in duplicate); Request for Continued Examination (RCE) Transmittal Letter (in duplicate); and Preliminary Amendment; USPTO Credit Card Payment Form authorizing payment in the amount of \$1,720.00 (\$770.00 for RCE and \$950.00 for Extension of Time filing fees) and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

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* * * * *

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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
DEX-0054

In Re Application Of: Robbins et al.

Serial No.
09/426,548

Filing Date
October 22, 1999

Examiner
Woitach, Joseph T.

Group Art Unit
1632

Invention: Novel Mutations in Human MLH1 and Human MSH2 Genes Useful in Diagnosing Colorectal Cancer

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of May 1, 2002 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: October 1, 2003

until: December 30, 2003

Date

Date

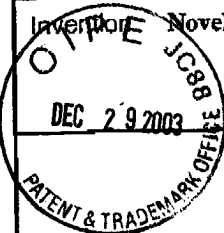
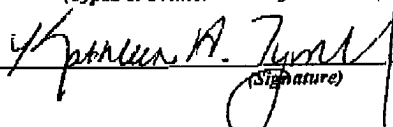
01/08/004 SSANDARA 00000003 501619 09426548

01 FC:1253 950.00 DA

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	2 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$84.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$950.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$950.00

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. DEX-0054
Applicant(s): Robbins et al.			
Serial No. 09/426,548	Filing Date October 22, 1999	Examiner Woitach, Joseph T.	Group Art Unit 1632
Inventor: Novel Mutation in Human MLH1 and Human MSH2 Genes Useful in Diagnosing Colorectal Cancer			
			
I hereby certify that this <u>Request for Continued Examination</u> (Identify type of correspondence)			
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9307</u>)			
on <u>December 23, 2003</u> (Date)			
<div style="text-align: right;"><u>Kathleen A. Tyrrell</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</div>			
Note: Each paper must have its own certificate of mailing.			

DEC 29 2003

PTO/SB/30 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/426,548
Filing Date	October 22, 1999
First Named Inventor	Robbins
Art Unit	1632
Examiner Name	Weitach, Joseph T.
Attorney Docket Number	DEX-0054

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____

- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for 3 month extension of time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1619
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$770.00
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) \$950.00
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Kathleen A. Tyrrell	Registration No. (Attorney / Agent)	38,350
Signature	<i>Kathleen A. Tyrrell</i>	Date	December 23, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)		Date	
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.



PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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First Named Inventor	Robbins
Art Unit	1632
Examiner Name	Worach, Joseph T.
Attorney Docket Number	DEX-0054

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 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
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 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

 - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1619
 - ☒ RCE fee required under 37 CFR 1.17(e) \$ 770.00
 - ☒ Extension of time fee (37 CFR 1.136 and 1.17) \$ 950.00
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Name (Print/Type)	Kathleen A. Tyrrell	Registration No. (Attorney/Agent)	38,350
Signature	<i>Kathleen A. Tyrrell</i>	Date	December 23, 2003

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